

### REMARKS

The above amendments and following remarks are submitted in response to the Second Official Action of the Examiner mailed December 31, 2002. Having addressed all objections and grounds of rejection, claims 1-20, being all the pending claims, are now deemed in condition for allowance. Reconsideration to that end is respectfully requested.

The Examiner has rejected claims 1-4, 6-8, 11-14, and 16-18 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,275,939, issued to Garrison (hereinafter referred to as "Garrison") in view of U.S. Patent No. 6,237,023, issued to Yoshimoto (hereinafter referred to as "Yoshimoto"). This ground of rejection is respectfully traversed as to the above amended claims for the following reasons.

As explained in Applicants' previous response, the invention as disclosed and claimed grants secure access based upon the physical location of the terminal site. In the preferred mode, the user identification process utilizes a number of techniques including User-ID and Password. However, unlike the prior art, these user identification means are co-located with the user. With the prior art systems, "this UserID and Password

is....transmitted across the network.....[which] may cause a security breach, as network packets may be intercepted, and the sign on information compromised<sup>1</sup>". In accordance with the claimed invention, "...no sign on information is transmitted over a network<sup>2</sup>". Thus, the pending claims, as amended, are now readily distinguishable over the known prior art on this basis alone.

Furthermore, the rejection as presented failures to present a *prima facie* case of obviousness are specified by MPEP 2143. Specifically, the Examiner has not even commented upon "reasonable likelihood of success" which is one of the required showings. As a matter of fact, the systems of Garrison and Yoshimoto appear incompatible on their face. Network 101 of Yoshimoto is "an Ethernet, a LAN using an FDDL, a WAN constructed by interconnecting networks by a public telephone line or leased line, etc.<sup>3</sup>". There is no suggestion that Yoshimoto employs a protocol operable over an open, publically accessible digital data communication network.

In addition, the Examiner seems to suggest:

---

<sup>1</sup>See specification at page 9, lines 6-9.

<sup>2</sup>See specification at page 9, lines 9-10.

<sup>3</sup>See Yoshimoto column 3, lines 42-47.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a site-specific security profile, since this would allow the level of access granted to a user to be based in part on the security of the specific terminal or location from which the access request is generated , htius inhibiting illegitimate access from a terminal having poor security (see col. 6, lines 15-21).

The Examiner makes this statement without explanation of why someone would look to the private network security scheme of Yoshimoto for use on a publically accessible digital data communication network. The problems are simply different, as discussed by Applicants extensively in their specification. This is precisely the unsupported conclusion attacked by the Court of Appeals for the Federal Circuit stating in part:

Broad conclusory statements regarding the teaching of multiple references, standing alone, are not "evidence". *In re Dembiczak*, 175 F.3d 994, 50 U.S.P.Q. 2d 1614 (Fed. Cir. 1999).

Therefore, the rejection is respectfully traversed for failure to show motivation as well.

The Examiner is even less able to make the required showings for the alleged combination including U.S. Patent No. 6,324,539, issued to Gebauer (hereinafter referred to as "Gebauer"). This alleged combination is utilized to reject claims 5, 9-10, 15, and 19-20. Again, the Examiner has neglected to show "reasonable likelihood of success". Again, the Examiner has provided only a conclusory statement with regard to "motivation". The rejection

of claims 5, 9-10, 15, and 19-20 is respectfully traversed for failure to present a *prima facie* case of obviousness as required by MPEP 2143.

Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-20, being the only pending claims.

Respectfully submitted,  
Paul S. Germscheid, et al  
By their attorney,

Date

March 31, 2003

Lawrence M. Nawrocki

Lawrence M. Nawrocki  
Reg. No. 29,333  
Suite 401  
Broadway Place East  
3433 Broadway Street N.E.  
Minneapolis, Minnesota  
55413  
(612) 331-1464